

**Notice of Allowability**

Application No.

09/991,876

Examiner

Sudhanshu C. Pathak

Applicant(s)

OHSUGE, MICHIIRO

Art Unit

2634

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to December 13<sup>th</sup>, 2005.
2. ☒ The allowed claim(s) is/are 4-5, 8-9, 12 & 15-16 and re-numbered as claims 1-to-7 respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of the:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets" ) must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948 ) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>Jan. 26<sup>th</sup>, 2006</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### DETAILED ACTION

1. Claims 4-5, 8-9, 12 & 15-16 are pending in the application.
2. Claims 1-3, 6-7, 10-11 & 13-14 have been canceled.

### EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Blumenthal on January 26<sup>th</sup>, 2006.

- In order to avoid a 112 2<sup>nd</sup>, Paragraph rejection the claims have been amended as following:
  - In claim 8, line 8 **replace**  
"...a peak at every data block as a result..." **with**  
"...a peak as a result..."
  - In claim 12, lines 21-22 **replace**  
"...clearing the above mentioned data from the delay..." **with**  
"...clearing the data at the peak position and its adjacent region of the delay profile from the delay..."
  - In claim 15, line 14 **replace**  
"...a peak at every data block as a result..." **with**  
"...a peak as a result..."

- In claim 15, line 20 **delete** "...after the peak...".

***Allowable Subject Matter***

4. Claims 4-5, 8-9, 12 & 15-16 are allowed.
5. Claims 4-5, 8-9, 12 & 15-16 and re-numbered as claims 1-to-7 respectively are allowable over the prior art of record because the cited references do not contain the specified limitation of a method of detecting a peak from delay profile data received through a multi-path in a CDMA receiver, comprising the steps of: dividing the delay profile data into a plurality of data blocks; searching a maximum value of the delay profile data at every data block; and storing each maximum value at every data block to detect the peak from the maximum values searched from the respective data blocks; subsequently detecting a following peak after the peak is previously detected as a previous peak using said stored maximum values; wherein the subsequently detecting step further comprises the steps of: masking a neighboring time region of the delay profile data adjacent to the previous peak to obtain renewed delay profile data; determining, from the renewed delay profile data, a specific one of the data blocks that includes the previous peak; and judging whether or not the previous peak is located on a right-hand side of a center of the specific data block to produce a result of judgment; and re-executing the searching step also about either of a right-hand side data block and a left-hand side data block adjacent to the specific data block with reference to the result of judgment along with the specific data block.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sudhanshu C. Pathak whose telephone number is (571)-272-3038. The examiner can normally be reached on M-F: 9am-6pm.

- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571)-272-3042
- The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sudhanshu C. Pathak



CHIEH M. FAN  
SUPERVISORY PATENT EXAMINER